Executive Summary – Enforcement Matter – Case No. 41992 KOLDER, INC. dba Numo Manufacturing RN106111404 Docket No. 2011-1118-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Numo Manufacturing, 1072 East Highway 175, Kaufman, Kaufman County

Type of Operation:

Screen and decal printing business

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but

does not wish to speak at Agenda.

Texas Register Publication Date: December 9, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$20,940

Amount Deferred for Expedited Settlement: \$4,188 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$16,752

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Executive Summary – Enforcement Matter – Case No. 41992 KOLDER, INC. dba Numo Manufacturing RN106111404 Docket No. 2011-1118-IHW-E

Investigation Information

Complaint Date(s): March 11, 2011

Complaint Information: Alleged improper disposal of waste on the ground at the

Facility.

Date(s) of Investigation: March 22, 2011

Date(s) of NOE(s): June 16, 2011

Violation Information

- 1. Failed to conduct hazardous waste determinations and waste classifications. Specifically, hazardous waste determinations and waste classifications were not performed for waste ink cans, cleaning wipes, ink wash, photograph developer, photograph fixer, and ceramic mug wash water [30 Tex. Admin. Code §§ 335.62, 335.503 and 335.513 and 40 Code of Federal Regulations ("CFR") § 262.11].
- 2. Failed to prevent the unauthorized discharge of industrial solid waste. Specifically, soil samples of stained soil were taken at two locations at the Facility. The soil samples had cadmium levels ranging from 0.484 to 13.3 milligrams per liter ("mg/L") Toxicity Characteristic Leaching Procedure ("TCLP") and lead with levels ranging from 2.1 to 91.6 mg/L TCLP [30 Tex. Admin. Code § 335.4].
- 3. Failed to keep records of hazardous and industrial solid waste activities [30 Tex. Admin. Code § 335.9].
- 4. Failed to keep records of recyclable materials utilized for precious metal recovery [30 TEX. ADMIN. CODE § 335.241 and 40 CFR § 266.70].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

- a. Submitted documentation on July 27, 2011 demonstrating the completion of hazardous waste determinations and classifications for all waste streams generated at the Facility;
- b. Submitted documentation on September 28, 2011 demonstrating records of all hazardous and industrial solid waste activities at the Facility are being maintained; and
- c. Submitted documentation on September 28, 2011 demonstrating records of recyclable materials utilized for precious metal recovery at the Facility are being maintained.

Executive Summary – Enforcement Matter – Case No. 41992 KOLDER, INC. dba Numo Manufacturing RN106111404 Docket No. 2011-1118-IHW-E

Technical Requirements:

The Order will require the Respondent to:

a. Immediately, cease any additional unauthorized discharges of industrial and hazardous waste;

b. Within 30 days, submit an Affected Property Assessment Report to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 Tex. Admin. Code ch. 350 which may include: plans, reports, and notices under Subchapter E (30 Tex. Admin. Code §§ 350.92 to 350.96); financial assurance (30 Tex. Admin. Code § 350.33(l)); and Institutional Controls under Subchapter F; and

c. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Keith Frank, Enforcement Division, Enforcement

Team 7, MC 128, (512) 239-1203; Debra Barber, Enforcement Division, MC 219,

(512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Charles Meyer, President, KOLDER, INC., P.O. Box 100, Edinburg,

Texas 78540

Jim Martin, Vice President, KOLDER, INC., P.O. Box 100, Edinburg, Texas 78540

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW) PCW Revision October 30, 2008 Policy Revision 2 (September 2002) Assigned 20-Jun-2011 Screening 30-Jun-2011 **EPA Due** PCW 13-Oct-2011 RESPONDENT/FACILITY INFORMATION Respondent KOLDER, INC. dba Numo Manufacturing Reg. Ent. Ref. No. RN106111404 Major/Minor Source Minor Facility/Site Region 4-Dallas/Fort Worth CASE INFORMATION No. of Violations 4 Enf./Case ID No. 41992 Order Type 1660 Docket No. 2011-1118-IHW-E Media Program(s) Industrial and Hazardous Waste Government/Non-Profit No Enf. Coordinator Keith Frank Multi-Media EC's Team Enforcement Team Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$22,000 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. \$440 Compliance History 2.0% Enhancement Subtotals 2, 3, & 7 Enhancement for one NOV with dissimilar violations. Notes 0.0% Enhancement Subtotal 4 \$0 Culpability No The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$1,500 Economic Benefit 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts *Capped at the Total EB \$ Amount \$618 Approx. Cost of Compliance \$20,940 Final Subtotal SUM OF SUBTOTALS 1-7 \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment 0.0% Reduces or enhances the Final Subtotal by the indicated percentage. Notes.

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicted percentage.

Notes

PAYABLE PENALTY

\$20,940

\$20,940

-\$4,188

\$16,752

Final Penalty Amount

Adjustment

Final Assessed Penalty

Reduction

20.0%

d percentage. (Enter number only; e.g. 20 for 20% of Deferral offered for expedited settlement.

Screening Date 30-Jun-2011

Docket No. 2011-1118-IHW-E

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Respondent KOLDER, INC. dba Numo Manufacturing

Case ID No. 41992

Reg. Ent. Reference No. RN106111404

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Keith Frank

Component	Number of	Enter Number Here	Mujus
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	V	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	n	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audio	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2
eat Violator (, , , , ,	
N/A	Adjustment Per	centage (SUD	iotai 3
pliance Histo	ry Person Classification (Subtotal 7)		
N/A	Adjustment Per	centage (Sub	total 7
pliance Histo	ry Summary		
Compliance	Enhancement for one NOV with dissimilar violations.		

		30-Jun-2011			icket No. 2011-1	118-IHW-E		PCW
	sponaent se ID No.	KOLDER, INC. 41992	dba Numo Ma	anufacturing				on 2 (September 2002) vision October 30, 2008
Reg. Ent. Refer								
		Industrial and	Hazardous W	aste				
	ordinator on Number	Keith Frank						-
	ule Cite(s)				503 and 335.513 ar 'CFR") § 262.11	nd 40 Code of	Federal	
Violation D	Description	Specifically,	hazardous wa or waste ink c	iste determin ans, cleaning	eterminations and water classes, and waste classes, ink wash, per teramic mug wash wash wash wash wash wash wash wash	assifications v hotograph de	vere not	
						Base	e Penalty[\$10,000
>> Environmenta	ıl, Proper	ty and Hun		Matrix				
	Release	Major	Harm Moderate	Minor				
OR	Actual		200000000000000000000000000000000000000		-	0.00		
	Potential	<u>Lx</u>	<u></u>	<u> </u>	Percei	ıt 25%]		
>>Programmatic								
F	alsification	Major 	Moderate	Minor	Percer	nt 0%		
Leans posses							pintonomies esti	
Matrix Hu	ıman health	or the environr	nent will or co	ould be expos	ed to pollutants wh	ich would exc	eed levels	
Notes	that are pr	otective of hun	ian health or	environment	al receptors as a re	sult of the vio	lation.	
L							#7 500	
					Adjustme	nt	\$7,500	
								\$2,500
Violation Events								
	Niverbou of)	Halatian Eugeta		ገ	6 Numbe	r of violation o	dave	
!	Number of V	/iolation Events	<u> </u>	1	L 6 Inditibe	i Ur ViQiatioti (Jays	
m	iark only one with an x	daily weekly monthly quarterly semiannual annual single event		the advantage of the ad	· Vi	iolation Base	e Penalty [\$15,000
		Six single eve	ents are recon	nmended (or	e for each waste st	ream).	NA PROPERTY OF THE PROPERTY OF	
								1 500
Good Faith Efforts	s to Comj	ply	10.0% Before NOV	<u></u>	/Settlement Offer			\$1,500
		Extraordinary						
		Ordinary			(
		N/A	2227272222222222222	(mark with x)				
		Notes			to compliance on Ju rement dated June			
						Violation	Subtotal	\$13,500
Economic Benefit	(EB) for	this violation	n		Statu	tory Limit	Test	
oogoon aan ka	 	ed EB Amount		\$73	-	n Final Pena	-	\$13,800
		war mar miiis wiil			-			
			inis Viol	acion rinal	Assessed Penalty	(aujusted 10	a musj_	\$13,800

Reg, Ent. Reference No. Media Violation No.	Industrial and	Hazardous Waste				Percent Interest	Years of Depreciation
						5.0	1.
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$					li dise and Christol e Protebuli.	Helenostor (4 december 1864)
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	50
Other (as needed)				0.00	\$0	\$0	<u>\$0</u>
Engineering/construction				0.00	\$0	\$0	<u> 50</u>
Land		<u> </u>		0.00	\$0	n/a	<u>\$0</u>
Record Keeping System				0.00	50	n/a	<u>\$0</u>
;							
Training/Sampling				0.00	50	078	\$0
Training/Sampling Remediation/Disposal				0.00	50	nya.	50
Training/Sampling	\$4,200 Estimated of	22-Mar-2011		0.00 0.00 0.35	50 \$0 \$73	n/a n/a n/a	50 50 \$73
Training/Sampling Remediation/Disposal Permit Costs	Estimated co	ost to conduct was	ste determination the d	0.00 0.00 0.35 ons. Date of o	\$0 \$0 \$73 ate Required is the compliance,	n/a n/a n/a n/a Investigation date,	\$0 \$0 \$73 Final Date is
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated co	ost to conduct was	ste determination the d	0.00 0.00 0.35 ons. Date of c	\$0 \$0 \$73 ate Required is the compliance, ng item (except i	n/a n/a n/a investigation date, for one-time avoid	\$0 \$0 \$73 Final Date is
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co	ost to conduct was	ste determination the d	0.00 0.35 0.35 ons. Di late of c	\$0 \$0 \$73 ate Required is the compliance, og item (except \$0	n/a n/a n/a n/a investigation date, for one-time avoid \$0	\$0 \$0 \$73 Final Date is led costs) (10) \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co	ost to conduct was	ste determination the d	0.00 0.35 0.35 ons. Di late of c enteria 0.00 0.00	\$0 \$73 ate Required is the compliance, og item (except i \$0 \$0	n/a n/a n/a n/a n/a n/a n/a investigation date, for one-time avoid \$0 \$0	\$0 \$0 \$73 Final Date is led costs) \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling	Estimated co	ost to conduct was	ste determination the d	0.00 0.35 ons. Di late of c enteris 0.00 0.00	\$0 \$73 ate Required is the compliance. og item (except \$0 \$0 \$0	n/a n/a n/a n/a n/a n/a n/a n/a n/a n/a	\$0 \$0 \$73 Final Date is led costs) \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Personnel Supplies/equipment	Estimated co	ost to conduct was	ste determination the d	0.00 0.35 ons. Di late of c enteris 0.00 0.00	\$0 \$0 \$73 ate Required is the compliance, og item (except \$0 \$0 \$0 \$0 \$0	n/a	\$0 \$0 \$73 Final Date is led costs) \$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	ost to conduct was	ste determination the d	0.00 0.00 0.35 ons. Diate of centering 0.00 0.00 0.00 0.00	\$0 \$0 \$73 ate Required is the compliance, og item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a n/a n/a n/a n/a for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$73 Final Date is led costs) \$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Personnel Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	ost to conduct was	ste determination the d	0.00 0.00 0.35 ons. Di late of c enterin 0.00 0.00 0.00 0.00	\$0 \$0 \$73 ate Required is the compliance. og item (except) \$0 \$0 \$0 \$0 \$0 \$0	r/a n/a n/a n/a n/a n/a n/a n/a n/a n/a n	\$0 \$0 \$73 Final Date is led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	ost to conduct was	ste determination the d	0.00 0.00 0.35 ons. Diate of centering 0.00 0.00 0.00 0.00	\$0 \$0 \$73 ate Required is the compliance, og item (except \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a n/a n/a n/a n/a for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$73 Final Date is led costs) \$0 \$0 \$0 \$0 \$0

Screening Date Responden		PCW ion 2 (September 2002)
Case ID No Reg. Ent. Reference No	41992 PCW Re	vision October 30, 2008
Media [Statute	Industrial and Hazardous Waste	
Enf. Coordinato Violation Numbe		
Rule Cite(s	30 Tex. Admin. Code § 335.4	
Violation Descriptio	Failed to prevent the unauthorized discharge of industrial solid waste. Specifically, soil samples of stained soil were taken at two locations at the Facility. The soil samples had cadmium levels ranging from 0.484 to 13.3 milligrams per liter ("mg/L") Toxicity Characteristic Leaching Procedure ("TCLP") and lead with levels ranging from 2.1 to 91.6 mg/L TCLP.	
	Base Penalty	\$10,000
>> Environmental, Prope	erty and Human Health Matrix	
Releas	Harm e Major Moderate Minor	111111111111111111111111111111111111111
OR Actual Potential		T. HITTHAMADANA
>>Programmatic Matrix		Lillabor
Faisification	Major Moderate Minor Percent 0%	
G		
Matrix not exceed l	th or the environment has been exposed to significant amounts of pollutants which do evels that are protective of human health or environmental receptors as a result of the	
110003	violation.	
	Adjustment \$7,500	
		\$2,500
Violation Events		
Number of	F Violation Events 2 100 Number of violation days	· ·
mark only one	daily weekly monthly quarterly X Violation Base Penalty	\$5,000
with an x	semannual annual single event	
Two quarter	ly events are recommended based on documentation of the violation during the March 22, 2011 investigation to the June 30, 2011 screening date.	000000000 A 100 A 00 A 100 A 00 A 100 A 10
Good Faith Efforts to Con	nply 0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary	
	N/A x (mark with x) The Respondent does not meet the good faith criteria for	
	Notes this violation.	
	Violation Subtotal	\$5,000
Economic Benefit (EB) fo	r this violation Statutory Limit Test	
	ited EB Amount \$493 Violation Final Penalty Total	\$5,100
	This violation Final Assessed Penalty (adjusted for limits)	\$5,100

eg. Ent. Reference No. Media Violation No.	Industrial and	Hazardous Waste	2			Percent Interest	Years of Depreciation
Violation No.	2					5.0	1:
		**	Final Date		**************************************	Onetime Costs	EB Amount
		Date Required	rillai Vate	112	Tittelest Saken	Onethine Costs	LU Allivoin
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	50	\$0
Buildings				0.00	50	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	D/3	\$0
Training/Sampling			*************************	0.00	\$0	1/8	\$0
an er se ems e il		73 11- 3011	16 11 2012	0.99	\$493	Section 1	A 4800
Remediation/Disposal	\$10,000	22-Mar-2011	16-Mar-2012			n/a	\$493
Remediation/Disposal Permit Costs	\$10,000	1-84-Mg[-8ATT	<u> 16-Mar-2012.</u>	0.00	\$0	n/e	\$0
Permit Costs Other (as needed)	Estimated cos	st to remove and	dispose of the W	0,00 0,00 vaste n	\$0 \$0 naterials and conta	n/a n/a minated soils at the	±0 ±0 Facility. Date
Permit Costs	Estimated cos	at to remove and equired is the inve	dispose of the westigation date.	0.00 0.00 vaste m Final 0	\$0 \$0 naterials and conta Date is the estimat	8/8 1/3	\$0 \$0 Facility. Date ce.

Screening Date	30-Jun-2011 Docket No. 2011-1118-IHW-E KOLDER, INC. dba Numo Manufacturing	PCW Policy Revision 2 (September 2002)
Case ID No.	41992	PCW Revision October 30, 2008
	Industrial and Hazardous Waste	
Enf. Coordinator Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 335.9	
Violation Description	Failed to keep records of hazardous and industrial solid waste activi	ties.
	Rac	se Pénalty \$10,000
Servicemental Dronge	ty and Human Health Matrix	,
Release	Harm Major Moderate Minor	
OR Actual Potential	Percent 0%	
>>Programmatic Matrix Falsification	Major Moderate Minor	
Lance to constitute the second	x Percent 10%	
Matrix	100% of the rule requirement was not met.	
Notes		
	Adjustment	\$9,000
		\$1,000
Violation Events		
Number of V	iolation Events 1 100 Number of violation	days
	daily weekly	THE
mark only one	monthly Violation Bas	e Penalty \$1,000
with an x	semlannual	The second secon
	annual single event x	
		153014 (11 11 11 11 11 11 11 11 11 11 11 11 11
	One single event is recommended.	
Good Faith Efforts to Comp	0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary N/A x (mark with x)	
	Notes The Respondent does not meet the good faith criteria for	
	this violation.	
	Violation	Subtotal \$1,000
Economic Benefit (EB) for	this violation Statutory Limit	Test
Estimate	d EB Amount \$26 Violation Final Pen	alty Total \$1,020
	This violation Final Assessed Penalty (adjusted f	or limits) \$1,020

	Industrial and	Hazardous Waste	:			Percent Interest	Years of Depreciation
Violation No.	3				e se se un sisse un se con con con con	F 0	Depreciación 1
	trom Cost	Date Required	Einal Nata	Vre	Interest Saved	5.0 Onetime Costs	EB Amount
Item Description			ina bace	***	Anterest Darco	oncume costs	
	NO COMBINGS OF P						er, enementalistas ses o
Delayed Costs							
Equipment				0.00	5 0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land			••••	0,00	\$0	n/a	\$0
Record Keeping System	\$1,000	22-Mar-2011	28-Sep-2011	0.52	\$26	n/a	\$26
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	0/8	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)		L		0.00	\$0	n/a	50
	Estimated cos	t to maintain reco	ords of hazardou	is and	industrial solid wa	ste activities. Date	Required is the
Notes for DELAYED costs Avoided Costs		invest	gation date. Fi	nal Dat enterii	e is the date of co	for one-time avoid	led costs)
Avoided Costs Disposal		invest	gation date. Fi	nal Dat enterii 0.00	e is the date of co	mpliance. for one-time avoid \$0	led costs)
Avoided Costs Disposal Personnel		invest	gation date. Fi	nal Dat enterii 0.00 0.00	e is the date of co	mpliance. for one-time avoid \$0 \$0	1ed costs) \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling		invest	gation date. Fi	nterii 0.00 0.00 0.00	ne is the date of co	mpliance. for one-time avoid \$0 \$0 \$0 \$0	fed costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment		invest	gation date. Fi	nal Dat o.00 0.00 0.00 0.00 0.00	e is the date of co	mpliance. for one-time avoid	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		invest	gation date. Fi	nterii 0.00 0.00 0.00 0.00	ne is the date of co ng item (except \$0 \$0 \$0 \$0 \$0	mpliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment		invest	gation date. Fi	nal Dat o.00 0.00 0.00 0.00 0.00	e is the date of co	mpliance. for one-time avoid	fed costs) \$0 \$0 \$0 \$0 \$0

Screening Date Respondent Case ID No. Reg. Ent. Reference No.	KOLDER, INC. dba Numo M 41992	Docket No. 2011- lanufacturing	Policy Re	PCW vision 2 (September 2002) Revision October 30, 2008
	Industrial and Hazardous V	Vaste		100444
Rule Cite(s)	30 Tex. Adı	min. Code § 335.241 and 40 CFR !	266.70	
Violation Description	Falled to keep records of	recyclable materials utilized for pr	ecious metal recovery.	
			Dago Popula	v \$10,000
>> Environmental, Proper	v and Human Healt!	n Matrix	Base Penalt	y \$10,000
Release	Harm Major Moderate			
OR Actual Potential		Perce	nt 0%	
>>Programmatic Matrix Falsification	Major Moderate	Minor		
	X	Perce	nt 10%	
Matrix Notes	100% of the r	ule requirement was not met.		
		Adjustme	nt \$9,00	
		·	33.284	\$1,000
Violation Events				
Number of V	olation Events 1	100 Numbe	r of violation days	
	daily weekly			
mark only one with an x	monthly quarterly	v	iolation Base Penalt	\$1,000
	annual single event x			
	One single	e event is recommended.		
Good Faith Efforts to Comp	ly 0.0% Before NOV	6 Reduction NOV to EDPRP/Settlement Offer		\$0
	Extraordinary Ordinary			null bunnannan
	N/A x	(mark with x)	and here in the	**************************************
	Notes The Respon	ndent does not meet the good faith this violation.	r criteria for	· · ·
THE PROPERTY OF THE PROPERTY O	-		Violation Subtota	\$1,000
Economic Benefit (EB) for	his violation		tory Limit Test	
Estimate	d EB Amount	***************************************	n Final Penalty Tota	
	i nis Vi	olation Final Assessed Penalty	(aujusteu für iimits)	\$1,020

Media	RN106111404 Industrial and	Hazardous Waste	!			Percent Interest	Years of
Violation No.	4		CSS/SESSO GELBER ASSOLA	11111111111111111111111111111111111111			Depreciation
						5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
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Delayed Costs	p						so
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Record Keeping System	\$1,000	22-Mar-2011	78, San, 2011	0.52	\$26	F/2	\$26
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Compliance History

Customer/Respondent/Owner-Operator:

CN603830365

KOLDER, INC.

Classification:

Rating:

Regulated Entity:

RN106111404

Numo Manufacturing

Classification:

Site Rating:

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE

ID NUMBER

R04106111404

Location:

NONPERMITTED 1072 E HWY 175, KAUFMAN, TX, 75142

TCEQ Region:

Date Compliance History Prepared:

REGION 04 - DFW METROPLEX

Agency Decision Requiring Compliance History:

June 29, 2011 Enforcement

Compliance Period:

June 29, 2006 to June 29, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Keith Frank

Phone:

(512) 239-1203

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

No

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

No

3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

5. When did the change(s) in owner or operator occur?

N/A

Rating Date: 9/1/2010 Repeat Violator:

NO

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

B. Any criminal convictions of the state of Texas and the federal government.

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

05/09/2011

(915317)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/09/2011 (915317)

NO

Self

Classification:

Major

Report?

Citation:

30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failure to obtain permit coverage to discharge storm water at an

industrial site.

F. Environmental audits.

G. Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates. H.

N/A

1. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
KOLDER, INC. DBA NUMO	§	TEAAS COMMISSION ON
MANUFACTURING	§	
RN106111404	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-1118-IHW-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding KOLDER, INC. dba Numo Manufacturing ("the Respondent") under the authority of Tex. Health & Safety Code ch. 361 and Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a screen and decal printing business at 1072 East Highway 175 in Kaufman, Kaufman County, Texas (the "Facility").
- 2. The Facility involves or involved the management of industrial solid waste and industrial hazardous waste as defined in Tex. Health & Safety Code ch. 361.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 21, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty Thousand Nine Hundred Forty Dollars (\$20,940) is assessed by the Commission in settlement of the violations alleged

in Section II ("Allegations"). The Respondent has paid Sixteen Thousand Seven Hundred Fifty-Two Dollars (\$16,752) of the administrative penalty and Four Thousand One Hundred Eighty-Eight Dollars (\$4,188) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Submitted documentation on July 27, 2011 demonstrating the completion of hazardous waste determinations and classifications for all waste streams generated at the Facility;
 - b. Submitted documentation on September 28, 2011 demonstrating records of all hazardous and industrial solid waste activities at the Facility are being maintained; and
 - c. Submitted documentation on September 28, 2011 demonstrating records of recyclable materials utilized for precious metal recovery at the Facility are being maintained.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to conduct hazardous waste determinations and waste classifications, in violation of 30 Tex. Admin. Code §§ 335.62, 335.503 and 335.513 and 40 Code of Federal

KOLDER, INC. dba Numo Manufacturing DOCKET NO. 2011-1118-IHW-E Page 3

REGULATIONS ("CFR") § 262.11, as documented during an investigation conducted on March 22, 2011. Specifically, hazardous waste determinations and waste classifications were not performed for waste ink cans, cleaning wipes, ink wash, photograph developer, photograph fixer, and ceramic mug wash water.

- 2. Failed to prevent the unauthorized discharge of industrial solid waste, in violation of 30 Tex. Admin. Code § 335.4, as documented during an investigation conducted on March 22, 2011. Specifically, soil samples of stained soil were taken at two locations at the Facility. The soil samples had cadmium levels ranging from 0.484 to 13.3 milligrams per liter ("mg/L") Toxicity Characteristic Leaching Procedure ("TCLP") and lead with levels ranging from 2.1 to 91.6 mg/L TCLP.
- 3. Failed to keep records of hazardous and industrial solid waste activities, in violation of 30 Tex. Admin. Code § 335.9, as documented during an investigation conducted on March 22, 2011.
- 4. Failed to keep records of recyclable materials utilized for precious metal recovery, in violation of 30 Tex. Admin. Code § 335.241 and 40 CFR § 266.70, as documented during an investigation conducted on March 22, 2011.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: KOLDER, INC. dba Numo Manufacturing, Docket No. 2011-1118-IHW-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease any additional unauthorized discharges of industrial and hazardous waste, in accordance with 30 Tex. Admin. Code § 335.4:

KOLDER, INC. dba Numo Manufacturing DOCKET NO. 2011-1118-IHW-E Page 4

b. Within 30 days after the effective date of this Agreed Order, submit an **Affected Property Assessment Report**, pursuant to 30 Tex. Admin. Code § 350.91, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 Tex. Admin. Code ch. 350 which may include: plans, reports, and notices under Subchapter E (30 Tex. Admin. Code §§ 350.92 to 350.96); financial assurance (30 Tex. Admin. Code § 350.33(1)); and Institutional Controls under Subchapter F, submit the report to:

Environmental Cleanup Section Remediation Division, MC 221 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

KOLDER, INC. dba Numo Manufacturing DOCKET NO. 2011-1118-IHW-E Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Executive Director		Date		ą.		
I, the undersigned, have read and undersigned to the attached Armed Ord	erstand the at	tached A	greed Orde	er. I am	authorize	ed t
agree to the attached Agreed Order on	behalf of the	entity ind	icated hale	THE TOTAL	matus a	L
do agree to the terms and conditions sp accepting payment for the penalty amou	ecilled therein	l. I furthe	r acknowl	edge that	the TCE	Q, i
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 A negative impact on compliance 	history:	. "				
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Instructions: Send the original, signed Agree	- 1 O 1				a prizonale i i i i i i	

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.